

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

E-FILING

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RICHARD W. WIEKING
U.S. DISTRICT COURT
NO. 07-00610

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

JF

UNITED STATES OF AMERICA,

CR No. **07 00610**

Plaintiff,

VIOLATION: Title 18, United States Code
Section 1343 - Wire Fraud

v.

BERNADETTE ESCUE,

SAN JOSE VENUE

Defendant.

INFORMATION

1. At all times relevant to this Information:

a. Bernadette Escue ("Escue") was employed by Network Appliance Corporation ("Network") as a Global Transportation Manager and worked in Network's Sunnyvale, California facility;

b. Network had its principal place of business at 495 East Java Drive, Sunnyvale, California, within the Northern District of California. Network is a high technology company. Network provided corporate credit cards to Escue for her use in paying for business-related travel and expenses for herself and other Network employees;

c. J. P. Morgan Chase was the issuer of one of several corporate credit cards issued by Network to Escue. When the J. P. Morgan Chase card was used to purchase goods and services in California, information from the card and the transaction details were sent

INFORMATION

electronically in interstate commerce to J. P. Morgan Chase in Salt Lake City, Utah. The credit card statement reflecting the charges was sent from a J. P. Morgan office in Omaha, Nebraska, to Network in Sunnyvale, California. Network would in turn send payment to a J. P. Morgan Chase payment processing center in Phoenix, Arizona.

The Scheme and Artifice to Defraud

2. Beginning no later than February 5, 2001, and continuing to on or about October 31, 2003, Escue fraudulently charged a substantial and material amount of personal expenses, a total in excess of \$90,000, to her J. P. Morgan Chase corporate credit card, and to other Network corporate credit cards issued to her, knowing that she was not authorized to charge personal expenses to her corporate credit cards and intending that those unauthorized charges would be paid for by Network.

COUNT ONE: (18 U.S.C. § 1343–Wire Fraud)

3. The factual allegations contained in paragraphs 1 and 2 are incorporated as if fully set forth here.

4. On or about and between February 5, 2001, and continuing to on or about October 31, 2003, in the Northern District of California, and elsewhere, the defendant,

BERNADETTE ESCUE,

did devise and intend to devise a scheme and artifice to defraud Network and to obtain money from Network by means of materially false and fraudulent pretenses, representations, and promises.

5. On or about September 4, 2003, within the Northern District of California, and elsewhere, the defendant, for the purpose of executing said scheme and artifice to defraud, did knowingly transmit and cause to be transmitted by means of wire communication in interstate commerce certain writings, signs, signals, and pictures, namely, a request for payment of \$12,900 that the defendant had charged to her Network J. P. Morgan Chase corporate credit card. This charge was not for a legitimate corporate expense. Rather, it was a tuition payment to the Drew School, a private high school in San Francisco, for defendant's son.

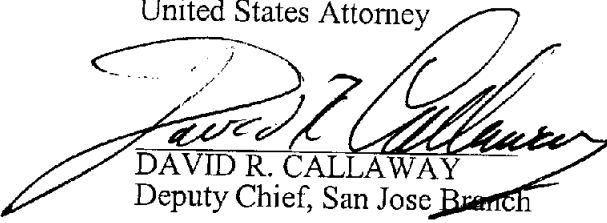
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INFORMATION

1 All in violation of Title 18, United States Code, Section 1343.

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3 DATED:

9/24/2007

4 SCOTT N. SCHOOLS
United States Attorney

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7 DAVID R. CALLAWAY
Deputy Chief, San Jose Branch

8 (Approved as to form:


9 AUSA Fazioli

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28 INFORMATION

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEEDINGName of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**OFFENSE CHARGED**

Title 18 USC § 1343- Wire Fraud

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**E-FILING****PENALTY:**

Twenty (20) Years Imprisonment, \$1,000,000 Fine, Three (3) Years Supervised Release, Restitution and \$100 Special Assessment

PROCEEDINGName of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigation, Wade Luders, Special Agent

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a re prosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM**SCOTT N. SCHOOLS**☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

Joseph A. Fazioli, AUSA

DEFENDANT - U.S.

BERNADETTE ESCUE

DISTRICT COURT NUMBER

CR 07 00610**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filed**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCESS:**☒ SUMMONS ☐ NO PROCESS*☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

Bernadette Escue c/o Mark Vermeulen, Esq.
755 Florida Street, # 4
San Francisco, CA 94110

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: October 11, 2007 at 9:30 a.m.

Before Judge: Hon. Richard Seeborg

Comments: _____

ADDITIONAL INFORMATION OR COMMENTS